

STATEMENT OF IAN LESLIE SHANAHAN

{1} My full name is IAN LESLIE SHANAHAN.

{2} I reside at 57 Yates Avenue, Dundas Valley NSW 2117.

{3} I am a highly trained classical musician and a composer of modern art-music. I hold both undergraduate and postgraduate degrees in music, including a Doctorate of Philosophy. I have for many years been a Lecturer and Tutor in several music subjects within various universities, music schools and conservatoria within New South Wales, although I do not hold any such position at the moment.

{4} I am a single man, and reside with my widowed mother at her home at the above address.

{5} On the evening of Friday 23 September 2005, I ate a chicken laksa and some sweets for dinner. I went to bed at around 10.00 pm only to be woken from a sound sleep a little after 11.00 pm by very loud music and carousing originating from a neighbour's flat. (The same racket also woke my elderly mother.) I put on some clothes – described in full below – and went next door to put a stop to this illegal noise pollution. The neighbour responsible, a young female named Rose [surname unknown] and her female companion, I had never spoken to before; I asked Rose: "Could you either shut your front door or turn the volume down; the sound is bouncing off the shop-front across the road directly into my bedroom, and has woken up my elderly mother as well as myself". I was then immediately subjected to a torrent of verbal abuse from her (such as being called "convict-descended scum"), so, without losing my temper outwardly, I let her know that I would be in touch with the Housing Commission authorities first thing the following Monday. I then promptly returned to my home.

{6} This exchange left me in a very angry frame of mind, so I decided to go out – i.e. to drive my Ford Fairlane (NSW license WYB 577) to Palm Beach – in order to calm down, lest I were to go back next door, have rather more to say to Rose, and thereby cause the conflict to escalate. I took 2 bottles of Cascade Premium beer from my refrigerator (that being all of the alcohol therein) to drink at the beach. The clothes I was wearing were: a mid-blue Penguin t-shirt with collar, light grey cargo shorts (mid-thigh length), grey socks, and an old pair of ill-fitting slippers (which have a tendency to slip off unexpectedly at the heels, on account of muscle atrophy to my feet caused by neuropathy resulting from Type 2 Diabetes). My estimated time of

arrival at Palm Beach was no later than 11.45 pm.

{7} I sat alone on a park bench next to the beach, praying and enjoying the wonderful view, only occasionally sipping the beer I brought with me. After quite a long time being there (2 hours approximately), I finally consumed the remaining 2 mouthfuls of beer, waited a couple more minutes, and then departed in my car – driving along Ocean Road and Barrenjoey Road, towards home. Until I was pulled over by the Police, I am certain that at no time did I exceed the 60 kmh speed limit, as I was routinely checking my car's speedometer.

{8} As I was heading South through the shopping centre at Newport (after quite a long stretch of winding road), I noted that my car was the only vehicle proceeding along Barrenjoey Road. From the Northernmost point of the shopping centre, Barrenjoey Road expands into 3 lanes in each direction; I was driving in the rightmost lane (next to the median strip). When I reached the traffic lights just beyond the Newport shopping centre – at the intersection of Barrenjoey Road, The Boulevard (on my left) and Seaview Avenue (on my right) – the traffic lights were green and there were no other vehicles waiting at this intersection for the lights to change, either on The Boulevard or Seaview Avenue; nor were there any other vehicles further South on Barrenjoey Road as far as the eye could see, right up to the next set of traffic lights. As I drove through the intersection itself, which bends slightly to the left, I smoothly changed lanes into the middle lane (it being my intention to buy a small amount of food from the BP service station further down Barrenjoey Road on the left, at Mona Vale).

{9} From this point onwards for approximately 700 metres, Barrenjoey Road is very straight, rising with a constant and quite steep incline, right up until the next traffic-lighted intersection (the cross-street here being Beaconsfield Street, on the right) at the top of the hill. When I was about 400 metres up this hill, I glanced in my rear-vision mirror and noticed another car waiting at the lights on Seaview Avenue. Shortly thereafter (i.e. the next time I happened to look at my rear-vision mirror, several seconds later), I saw that the traffic lights had just then changed, that this car had turned South into Barrenjoey Road, and that it was proceeding up the hill in my direction. I continued along no faster than 60 kmh, driving through the intersection of Barrenjoey Road and Beaconsfield Street, shortly after which this other car was – to my surprise – travelling only a few metres behind me. At the time, I did not realize that it was a Police car, but then its flashing lights were activated (I could not tell whether or not its sirens were also activated, since there was some rather loud symphonic music playing on my car's radio at that moment), and I immediately pulled over into the leftmost lane, next to the kerb. Looking carefully into my rear-view mirror, I then ascertained that this car was in fact a marked

Police vehicle, so I stopped my car just opposite the intersection of Barrenjoey Road and The Avenue (on my right). The Police car parked just behind mine.

{10} I put my car's gears into 'Park', turned off its motor and headlights, unbuckled my seatbelt, opened the driver's door, thence hauled myself out of my vehicle (as is my usual practice whenever being pulled over by the Police). Unfortunately, I nearly tripped over almost at once: my left slipper had come off my foot at the heel and turned rightwards (this went unnoticed beforehand due to my neuropathy), causing me to stumble markedly when without warning my left heel came into direct contact with the asphalt and my weakened left knee gave way. Fortunately, I soon recovered my composure and continued walking towards the rear of my car, stopping in front of the Police car between the two vehicles, towards the driver's side.

{11} By this time, two Police officers – a female (the Police car's driver) and a male (who was seated in its front passenger's seat) – had alighted from their vehicle. Both were wearing Police uniforms. I later established that they are Senior Constable Kylie BOSS and Constable Daniel FLUECHTER, respectively. BOSS and FLUECHTER came around to the front of their car, and at first we conversed there. BOSS was standing directly in front of me; FLUECHTER on my right, about 3 metres away.

{12} I asked both officers in a slightly annoyed tone why I had been stopped (given that I had not broken any laws), to which BOSS replied along the lines of: "You have been pulled over for a random breath test". She then asked to see my licence, so I took it out of my wallet from my t-shirt's pocket and handed it over to her.

{13} BOSS then asked me whether I had consumed any alcohol that evening, and I said that I had drunk "a couple of beers" – referring to the 2 bottles of Cascade Premium mentioned earlier.

{14} BOSS enquired as to when I had finished drinking these. Now because I never wear a watch (and my car's clock is broken), I answered that on these grounds I could not provide an accurate answer to her question. She invited me to guess, so I said that "it could not have been more than 15 minutes ago, perhaps closer to 10 [minutes]".

{15} BOSS then produced a breathalyser and asked me in a formal, legalistic manner to blow into it. I complied with her request. She then told me that I had registered a reading over the 0.05 legal limit and hence was under arrest. In light of the small amount of alcohol I had consumed over a fair amount of time (as well as the fact that I am a large man who had eaten a substantial dinner), I simply could not believe that such a reading was correct – hence I asked

to be allowed to verify the reading for myself by seeing it on the breathalyser machine itself; BOSS refused this (to my mind reasonable) request. FLUECHTER, who had remained some distance to my right throughout this discourse, then told me (for supposed safety reasons) to step off the road and onto the footpath. All three of us then moved onto the grass nature-strip area.

{16} Given the short duration (ca.10–15 minutes) between my finishing off the beer at Palm Beach and blowing into the breathalyser at Newport, and the fact that I could still taste the Cascade beer in my mouth (so that my palate had not ‘cleared’ at all), I suspected that these factors might account for a breathalyser reading greater than 0.05 – if indeed that were the case. So I then told both officers that I would be opting to see a doctor in order to determine my actual blood-alcohol level via a blood sample, instead of submitting to a formal breath analysis at their Police Station. I also let both of them know, for my medical safety, that I suffer from Type 2 Diabetes complicated by ongoing Hyperglycaemia (i.e. excessively elevated blood-sugar levels).

{17} The Police then invited me to secure my car, so I walked over to its front passenger’s door – both officers I sensed were following just behind me. I opened this car door, leaned in, removed my wallet from my t-shirt’s pocket, took a \$50 note from the wallet, put this \$50 note in my t-shirt pocket (to pay for my return travel from the Police Station), opened my car’s ‘glove box’, placed my wallet therein and shut the glove box’s flap. I then picked up a clear plastic water-bottle containing tap water from the front passenger’s seat – I always carry such a water-bottle in my car on account of my Diabetes – and said to the nearby officers as I was standing up straight: “It’s just water. I need to drink it because of my Hyperglycaemia”. Just as I had put the bottle’s top between my lips, BOSS exclaimed something like: “You can’t drink that!”.

{18} Immediately, both officers physically assaulted me. One of them – I think it must have been BOSS – grabbed my right arm hard from a position somewhat behind me (I could not see her face, as I was oriented towards my car’s interior), while FLUECHTER was alternately grabbing at my hands and tugging hard on my left arm. Because I had managed to drink much less than a mouthful of the water, I attempted to continue drinking from the water-bottle, so that a very brief struggle ensued – one in which I did not attack either of the officers whatsoever. In the end, FLUECHTER did succeed in pulling the water-bottle away from my lips while crushing it with both hands so that its contents spurted out onto the kerb and partly onto the floor of my car. I concede that I was greatly angered by what I considered – and still do consider – to be an unprovoked and completely unnecessary assault, particularly when I had already stated the

medical reason behind my need for the water, and that I would be choosing the blood-test option (so that I could not be accused by the Police of trying to alter a forthcoming breath-analysis). Anyway, I locked up my car and stepped away from it, remaining nearby on the nature-strip.

{19} Both officers then demanded that I hand over my car-keys right away, along with anything else in my pockets. Despite being seriously affronted by their behaviour moments before, I assumed that this demand was probably normal Police procedure, so I complied with it – I even turned all of my pockets inside out, so that they could see I was concealing nothing.

{20} I then moved a short distance away from both officers – I did not wish to be subjected against my will to any more physical contact from them under any pretext! – and onto the footpath proper, along which I limpingly paced up and down (spanning the length of both cars) in order to ‘cool off’ as much as possible. FLUECHTER followed me at my side, nearer to the gutter, all the while maintaining a constant distance of about 1 metre. There seemed to be no purpose to his exact mimicry of my movement (which I found quite irritating), so I said to him: “Are you a bloody sheep or a robot? I hope you’re not so dumb as to think that I’d try to escape!”. (I certainly did not use any taboo language in speaking to him, over which I was very aware that I could – and indeed probably would – be charged.) FLUECHTER then demanded that I cease walking, and he yanked me by my right arm as I was moving back in the direction towards my car, causing me abruptly to stop roughly parallel with its front passenger’s door; FLUECHTER took position right next to this car-door, on the nature-strip and facing away from the road.

{21} Now FLUECHTER’s bad behaviour towards me only served to add to my aggravation; I then stepped towards him, and, remaining stationary while facing him at a distance of about 1 metre, began remonstrating with him over it. (As I recall, BOSS had stayed still throughout all of my ‘pacing’, at this time being somewhat further away, on my right, near the Police car and probably out of earshot. I also remember that while speaking to FLUECHTER, my hands remained at my sides, with my fingers curled slightly; at no time were my fists clenched.)

{22} Out of the blue, with no warning whatsoever, FLUECHTER then hit me hard in the chest with the palms of both his hands while I was in the middle of talking to him. This caused me to stumble backwards several steps and almost to fall onto my back. I then said to him something like: “If you’re going to keep that up [i.e. assaulting me], I’ll be able to take whatever you dish out because I’m taller and broader across the shoulders than you”. My intention in saying this sort of thing was simply to declare that, whilst I was incapable of legally preventing such

misconduct from him, I could without doubt physically tolerate it; and that, equally, I bore no intent to reciprocate (something which could well result in a jail sentence).

{23} Anyhow, when I recovered my balance shortly thereafter, I resolved to learn the identity of this disgraceful officer by looking at the official name-plate on his blue shirt (name-plates, after all, cannot lie or refuse to reveal such information) – with a view to making a formal complaint against him later. I observed then that FLUECHTER was shaking something in his right hand, rapidly up and down at waist height; I surmised – accurately, as it turned out – that he might be ‘priming’ some pepper spray to fire at me. Given this worrying development, I appreciated that I would need to behave very carefully towards him, lest he feel that I was about to attack him physically in retaliation.

{24} So I walked back towards FLUECHTER with both hands held behind my back (arms straight, my left hand grasping my right wrist) and stood just close enough to him, face-to-face about a ½ metre away, in order to be able to read his name-plate. Suddenly, without warning, I was sprayed in the face by FLUECHTER with what the Police have admitted to be oleoresin Capsicum Spray, for a continuous burst of 3–4 seconds. Although my eyes were slightly protected by the spectacles I was wearing, the agony caused to them was intense and instant. I remember staggering backwards, away from FLUECHTER, then taking off my eye-glasses with my left hand and rubbing both eyes with my right forearm. I also attempted – unsuccessfully – to clean my glasses by wiping them on the lower part of my t-shirt, after which I put them back on.

{25} Being very disoriented, in a great deal of pain, and with extremely blurry vision, I guess that I must have tottered unintentionally towards FLUECHTER again, for he sprayed me a second time exactly as described above. It is perhaps the case that this time he was closer to me, or that he directed the Capsicum Spray more accurately into my eyes and onto my face, because its effects were even more devastating than before: my facial skin quickly felt like it was on fire; the stinging pain to both of my eyes was more severe this time, and I was to all intents and purposes blinded; I soon began to cough up mucus (which also started to run freely from my nose); and I was already experiencing a burning sensation at the back of my mouth and throat, as well as what were just my initial difficulties in breathing. Again, I was completely disorientated proprioceptively; but I do recall taking off my spectacles for a second time and attempting to wipe my eyes with a clean handkerchief as I wandered along. Somebody – FLUECHTER, I think – grabbed me by my upper left arm (I was not in any condition to resist), and directed me to what seemed to be a bench seat that was conveniently located nearby,

where I sat while continuing to wipe my eyes. All I could smell at this stage was the odour of Capsicum Spray; and I could tell that much of the front chest part of my t-shirt had become impregnated with this substance because it felt 'oily', reeked very strongly of Capsicum Spray, and seemed to possess a darker colouring than the lower stomach region of the t-shirt's front. BOSS then came along and informed me that it was better not to rub one's eyes after being Capsicum-sprayed.

{26} While seated for an indeterminate amount of time, the effects of the Capsicum Spray on me did not 'wear off', but actually became worse – particularly in regard to my air-passages, which I could feel were progressively becoming more and more constricted; I also remained disoriented. However, I was aware that a number of other uniformed Police officers had arrived on the scene, and soon afterwards I was being directed towards the rear of a Police 'paddywagon'. (If there was anything said by any officers to me during this time, I was not aware of it – although I do vaguely recall being 'patted down' by somebody prior to getting into the paddywagon.)

{27} The interior of the paddywagon – apart from its cabin area – was comprised entirely of metal: shiny stainless-steel bench seats running along both sides of the prisoners' zone; a corrugated metal floor; a solid steel door (with inset metal slats); and a thick wire network grill through which one could see into the cabin. I promptly sat down on the left (passenger's side) bench and slid along to the very front corner, where I stayed. While the vehicle was moving, I was continually being bounced and thrown around somewhat – this paddywagon had no restraints like seatbelts installed for prisoners' safety – so I held on to the front metal grill with my left fingers and also stretched out both legs straight such that my feet made contact with the flat vertical surface of the opposite bench seat, in order to attain some positional stability.

{28} Meanwhile, my airways had constricted to such an alarming degree that I was on the verge of total panic at what felt to be something I imagined like an asthma attack: my breathing had become so arduous and difficult that the only way I thought I could continue to breathe at all was to bend forwards and consciously, laboriously breathe in and out deeply so as to prevent all of my air-passages from closing up entirely (just as my late father, who suffered for decades from severe asthma, used often to do). Despite the ongoing pain to my eyes and facial skin, my concentration was almost completely focussed upon my need to *keep breathing and not to pass out*, even so, I was aware (because of its audibility) that I was wheezing heavily, that mucus was incessantly flowing from my nose, and that I was regularly coughing and expectorating.

{29} Some time later, the paddywagon ceased its motion, stopping at what I presumed to be the inner precinct of some local Police Station (which I later found out to be in Dee Why). By this stage, my mental focus was directed utterly upon my breath-maintenance as described above – so much so, that I had only a very minimal and sporadic awareness of whatever was going on around me. My condition had reached such an acute point that I knew I could not even move, my aim being just to ‘sit it out’ until the Capsicum Spray’s adverse effects eventually subsided. I heard my Christian name, “Ian”, spoken by different male persons many times, as well as the word “ambulance”. I do also recollect gasping, on my out-breath, the words “Leave me be!” at least twice. Another thing I heard one individual say, distinctly and with resolve – I do remember his avowal quite clearly – was: “Ian, if we have to pull you out of there, we’ll make sure that you’ll fall down very hard onto the concrete floor. It’s quite a drop and, believe me, a big bloke like you will fall hard”.

{30} Somebody then reached in and managed to grab hold of my right foot (which is slightly deformed due to a condition known as Charcot’s neuroarthropathy; this foot happened to be the one nearest to the paddywagon’s rear door), pulling very hard on it while simultaneously twisting my right ankle – thereby and therein causing me a great deal of sharp pain. Taking to heart the threat just asserted to me about ‘falling hard’ [see the end of §29], I held on to the paddywagon’s front grill with my left hand for dear life! I also repeatedly called out to this person “Let go! Leave me alone!”, which they did do eventually. At no time did I lash out with any of my limbs at anybody – an action which was also physically impossible for me to carry out under these circumstances, as I was totally out of breath and stretched along the length of the paddywagon’s prisoner ‘cage’.

{31} An almost identical, and similarly unsuccessful, attempt by some officer was made again to forcibly pull me out of the paddywagon; but whoever it was this time did not twist my right ankle.

{32} After this brief episode, I heard FLUECHTER – I recognized the timbre of his voice – say words to me like: “Since you won’t get out, Ian, you can cop this again”. And immediately FLUECHTER sprayed Capsicum Spray into my face once more – another continuous stream lasting 3–4 seconds. Now because I had taken my spectacles off (they were lying next to me on the paddywagon’s steel bench seat), this burst of Capsicum Spray went at first straight into my right eye mainly, causing me overwhelming pain. As a reflex response, I turned my head sharply to the left, towards the steel mesh network, to avoid as much as possible the spray hitting my face any more. FLUECHTER momentarily ceased spraying, but then let forth yet

another (this time shorter) burst of Capsicum Spray, which I felt land in my hair behind my right ear. Such spraying was an unprovoked assault.

{33} The paddywagon's 'cage' compartment was now saturated with Capsicum Spray fumes, and the inflammation to my face, eyes, and air-passages was markedly exacerbated. The mucus kept flowing. In particular, my inability to freely breathe worsened considerably – putting me into a state of terror. I continued to sit and breathe in and out as described in §28, but shortly after this bout of Capsicum spraying, someone tugged hard on my right foot for a third time (pulling off my right slipper). Because of my deteriorated state, I could no longer maintain my grasp of the steel mesh I was previously holding on to with my left-hand fingers; consequently, I slid rapidly along the corrugated floor of the paddywagon towards its rear door. My left foot automatically became wedged against the rear metal wall to the left of this rear door, and my already injured left knee was now being twisted awkwardly. (Because of my relatively atrophied left quadriceps, I could not apply any resistance to the 'tugger' by pushing against this wall.) I think that I called out to them something like "Wait a second!" while I somehow managed to free my left foot with my left hand. However, I do recall exclaiming that my right foot hurt and "Would someone please put my right slipper back on my foot?" (which somebody did) – since I was concerned about landing heavily on my unprotected 'Charcot's foot'. At this point, I believe that I was lying half within and half hanging out of the rear of the paddywagon.

{34} Several people then lifted me bodily out of the paddywagon and placed me gently on the concrete floor in a seated position, where I continued to focus on my breathing to the exclusion of everything else. I was unable to get to my feet (let alone walk), and I vaguely recollect being dragged a short distance to a room within the Police Station, where I lay on the floor on one side breathing deeply while intermittently coughing and expectorating. I also had the impression that from time to time somebody was speaking to me, but in any event I could not respond due to the severity of the Capsicum Spray's effects upon me.

{35} I lay on the ground (as described above) for what seemed like an eternity, only to be subjected to a further physical attack by the Police – a classic example of 'assault while in Police custody'. 5 officers were involved: one on each leg, one on each arm, with the fifth officer trying to lift me up off the ground by my ears! I shook my head vigorously, and accomplished a loosening of this attacker's grip. Moreover, the officer to my right was painfully bending my right hand back as far as possible. Luckily, I had broken free of the officer on my left, so with my left hand, I succeeded in reaching over and reversing the former officer's hold on me (bending one

of his hands forward), forcing him to let go of my right hand. The other two officers – perhaps in conjunction with some of the others – then dragged me along the floor quite rapidly (causing my Capsicum-Spray-soaked t-shirt to ride up my bare back, and its front to temporarily cover my face), out of the room in which I was laying, and back into the concrete-floor area where the paddywagon remained.

{36} While I lay on the ground breathing laboriously, I overheard some or all of these officers discussing amongst themselves the desirability of “kicking the shit out of him [meaning me]” – although mercifully, they did not proceed with such a cowardly deed. Instead, after a little while, they surrounded me and then picked me up bodily off the floor, throwing me headlong back into the paddywagon onto its corrugated metal floor, after which the paddywagon’s rear door was slammed shut and locked. Slowly, after laying flat on my back for some time, I raised myself onto the passenger-side metal bench-seat, and assumed precisely the same sitting position and breathing as detailed within §27. Given the silence – i.e. the absence of any talking – I believed that I had now been left alone, and that no officers were in the vicinity.

{37} I had been sitting alone for quite a long time within the stationary paddywagon when I felt an irresistible urge to urinate (something that I had not done for many hours, well before I had gone to bed much earlier that evening). My bladder was full to bursting point, and starting to ‘spasm’; I thought that I was alone; and I did not dare contemplate what sort of response I might elicit from Police had I called out for some assistance in this regard, given earlier events: so, in the end, I had no alternative but to urinate a little onto the metal floor of the paddywagon itself (rather than humiliatingly ‘pissing in my pants’) – but I only urinated just enough to regain control over my bladder. Shortly thereafter, two male officers arrived, got into this paddywagon’s cabin, and the vehicle was driven off. In terms of my laboured breathing, I sensed that the deleterious effects of the Capsicum Spray were at last beginning to wear off just a little – though they were still acute.

{38} When the paddywagon eventually arrived at its destination, its rear door was opened and I saw about six male Police officers – Constable Kylie BOSS was not present at all, so far as I could tell – and another fellow wearing a white laboratory coat. He politely introduced himself by his first name (which I don’t remember; but I do recall that he had a pronounced British accent), and when I asked him what his rôle was here, he replied that he was a medical doctor. This affable doctor asked me to step out of the paddywagon, but I told him that I badly needed a drink of water. He then said that I could have one inside, to which I retorted: “Look, mate. I really need some water now!”. So off he went, returning shortly thereafter with a cup of

water – which I eagerly drank. When I requested a refill, this process was repeated. In a short time, I felt much better: the water had washed the Capsicum Spray out of my mouth and upper respiratory areas to some extent (although not entirely: I could still taste it at this time), and my pulmonary action was a bit easier. So I then carefully alighted from the rear of the paddywagon, walking a short distance – during which time I said this to the Police officers present, all of them young males: “You lot are just a bunch of animals” (expressing my opinion of them, incensed at their earlier treatment of me) – before entering a small room of what seemed to be a hospital.

{39} Note: Whilst reading the Police’s so-called “Facts Sheet”, on p.4 of it I am accused of saying to FLUECHTER around this time: “I’ll put a bullet in the back of your head”. I emphatically deny this allegation. I have never made such a vile threat to anybody during my entire life; and I am aware that a verbal threat to kill someone is a serious illegality which would result in charges being laid – particularly were it directed at a Police officer.

{40} Anyhow, once I had entered the abovementioned room [§38], I sought permission to use the nearby toilet, and this was readily granted by both medical staff and the Police. I entered this toilet cubicle, locked its door, pulled down my pants and then sat down upon the toilet-bowl – wherein I completed my urination and began to defecate. A male person soon rapped on the door and asked, in a displeased tone, what I was doing (as well as ordering me to hurry up), to which I responded: “I’m doing a crap, if you really must know. Bugger off!”. I then finished my bowel movement, cleaned myself with toilet paper, flushed the toilet, pulled up my pants then washed my hands thoroughly – after which I drank some more water from the tap above the vanity basin, and commenced to wash my face and eyes repeatedly in an attempt to remove all traces of the oleoresin Capsicum Spray thereon. I estimate that I occupied this toilet cubicle for approximately 10 minutes, and at most 15 minutes. By this stage, my lungs had recovered to what seemed to be within reach of ‘normal’ pulmonary function – though my eyes and face still stung somewhat.

{41} Upon leaving the toilet cubicle, I was escorted by Police a very short distance to what appeared to be an open examination room. (By now, I was convinced that this establishment was definitely a hospital. In my naïveté, I thought that the Police must have transported me there in order to seek medical help for me.) Anyway, the white-coated doctor referred to in §38 then formally asked me to submit to a blood-test. I quickly came to understand that his request was not for the betterment of my health, but was instead merely to establish my blood-alcohol level. Now although I had earlier that evening requested just such a blood-test [see §16], but knowing absolutely nothing about the chemical constituents of Capsicum Spray and its

propellents – let alone what effect such chemicals might have on my blood-alcohol reading – I formally declined to provide a sample of my blood. I then turned towards a fairly senior male Police officer (judging by the number of chevrons upon his shoulder's epaulettes) who was wearing a leather cap, and told him that I would now be prepared to be taken back to the Police Station for a breath analysis, since I no longer could taste any Capsicum Spray within my mouth or feel it affecting my airways. He replied that it was now too late.

{42} Accompanied by Police, I then walked back to the rear of the paddywagon (into which I climbed), and was transported back to the Dee Why Police Station where I was locked into a small 'dock' or cell made of thick transparent Perspex. During my time therein:

- (a) I consumed several more cups of water provided by various Police officers – noting that FLUECHTER flat out refused my request for water at first;
- (b) I was allowed to urinate in the prisoners' toilet two or three times;
- (c) I saw FLUECHTER writing things down in his official police notebook right in front of me, with BOSS appearing occasionally to talk with him and compare notes, in what appeared to be a collaborative (or collusive) enterprise;
- (d) I had a lengthy and quite pleasant conversation with an older female Police sergeant, Sergeant Gillian HOUGH, ranging across a wide variety of general subjects (including discussion concerning the merits and pitfalls of various occupations, and descriptions of her own children);
- (e) I complained to HOUGH – during the process of being asked a number of questions 'for the record' regarding my medical history, etc. – that I was still experiencing unpleasant burning sensations to my face, even though I had washed it.

{43} After many hours, I was released from custody (having been provided with the requisite paperwork, and having my property returned to me) – by which time it was about 8.00 am on Saturday 24 September 2005. I then caught a government bus from Barrenjoey Road, Dee Why, to Newport – where I had parked my car on the very same road the night before. I drove straight home, whereupon I telephoned my solicitor, Mr John Maguire. He advised me to promptly visit my doctor, Dr Y. C. Liu, that morning if possible; I was able to get an appointment with Dr Liu, who diagnosed me as having "reactive conjunctivitis" to my eyes. My mother then washed my Penguin t-shirt in our laundry's tub; while doing so, she complained about the Capsicum-Spray fumes emanating from this t-shirt that had triggered breathing problems for

her, as well as eye- and nose-irritation.

Yours faithfully,

Dr Ian Shanahan.